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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 333rd MEETING

Held at Headquarters, New York,
on Friday, 31 January 1997, at 3 p.m.

Chairperson: Ms. KHAN

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CLOSURE OF THE SESSION

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The meeting was called to order at 3.20 p.m.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

Adoption of the report of Working Group I (continued) (CEDAW/C/1997/WG.I/WP.2 and Add.1)

Paragraph 10

1. Ms. BARE, speaking as Chairperson of Working Group I, said that the Working Group had sought to establish a reciprocal relationship between the Committee and the Special Rapporteur on Violence against Women, its Causes and Consequences, whereby the Special Rapporteur would transmit to the Committee any information at her disposal concerning issues of violence against women within a particular country prior to the Committee's consideration of that country's report, and the Committee would then forward its concluding comments to the Special Rapporteur.

2. Ms. ABAKA suggested that the paragraph should include a reference to the decision taken by the Committee at the previous session to strengthen its relationship with the Special Rapporteur on Traditional Practices Affecting the Health of Women and Children.

3. Ms. BUSTELO GARCÍA DEL REAL recalled that at the previous session the Committee had requested the Secretariat to provide it with ongoing information on the work of the Special Rapporteur on Violence against Women. Such information was particularly relevant in that the Special Rapporteur's terms of reference instructed her to work in close cooperation with the Committee. It might therefore be appropriate to mention that request in the paragraph under consideration.

4. Ms. CORTI said it was disappointing that, despite the decisions to which the previous speakers had referred the Committee had never received any direct cooperation from the Special Rapporteur on Violence against Women or any of the other special rapporteurs. The Committee's relationship with the special rapporteurs should be similar to that of the other treaty bodies.

5. The CHAIRPERSON said she took it that the Committee wished to adopt the paragraph, on the understanding that it would be redrafted by the Secretariat along the lines proposed.

6. It was so decided.

Paragraph 11

7. Ms. BARE said that, while the Working Group was generally satisfied with the analyses prepared by the Secretariat concerning State party reports, it wished to be informed of the exact wording of any reservations entered by a State party, whether those reservations had been withdrawn and whether there had been any reactions by other States parties to those reservations. The Committee

should also be provided with current statistical information on the de facto situation of women in a particular country, which would obviate the need for the diagrammatic comparisons of State party reports provided by the Secretariat.

8. Ms. ESTRADA CASTILLO recalled the Committee's earlier decision to request the Secretariat to include in its analyses a comparison between the Committee's recommendations concerning a State party's report and the degree to which subsequent reports reflected the implementation of those recommendations.

9. Ms. GONZALEZ MARTÍNEZ agreed that the Committee needed to have the text of reservations and other information mentioned in the paragraph; she recalled, however, that at the start of each session, members of the Committee were provided with a list of the States parties which had entered reservations. While she was not certain of what was meant by "diagrammatic comparisons", it was her understanding that the term referred to the Secretariat's analysis of the degree to which the Committee's recommendations had been implemented in subsequent reports of State parties. For that reason, she believed that, rather than stating in the final sentence of the paragraph that the diagrammatic comparisons were not necessary, it would be preferable to delete any reference to them, so as to make it clear that the Secretariat should concentrate on providing the information requested concerning reservations.

10. The CHAIRPERSON said that the list to which the previous speaker had referred was submitted to the biennial meeting of States parties.

11. Ms. CONNORS (Division for the Advancement of Women) suggested that the paragraph should call for the provision by the Secretariat of an analysis of whether the Committee's concluding comments had been responded to in the State party's report.

12. The CHAIRPERSON said she took it that the Committee wished to adopt the paragraph subject to its amendment along the lines suggested by the previous speaker.

13. It was so decided.

Paragraph 12

14. Ms. BARE said that, on the basis of further deliberations, the Working Group proposed to delete the first two sentences of the paragraph and to insert the following:

> "The Working Group recommended that, on the basis of written observations by members of the Committee, as well as its own observations, a short list of questions should be formulated, concentrating on major areas of concern in regard to the implementation of the Convention by the respective State party."

The rest of the paragraph would remain unchanged.

15. Paragraph 12, as orally revised, was adopted.

Paragraph 13

16. The CHAIRPERSON said she took it that the members of the Committee wished to delete paragraph 13, in view of the decision just adopted with regard to paragraph 12.

17. It was so decided.

Paragraph 14

18. Ms. BARE said that, in order to encourage a more constructive dialogue between the Committee and reporting States, the Working Group recommended that questions should be submitted to States at least six months prior to the consideration of their reports, and that their replies should also be transmitted well in advance. That would shorten the time required for the presentation of the reports to one hour, after which the members of the Committee could pose additional questions for a period of up to four hours.

19. Ms. ABAKA said that the paragraph should indicate that the new procedure applied to the presentation of subsequent reports, not of the initial report.

20. Ms. CONNORS (Division for the Advancement of Women) proposed that the paragraph should be amended to read:

> "The Working Group suggested that guidelines should be formulated for States parties with regard to their presentation of subsequent reports. Those guidelines should be part of the Committee's guidelines for the preparation of reports. The guidelines should indicate that the State party presenting its report would address the committee for up to one hour, and the Committee would involve itself in constructive dialogue for up to one and a half meetings."

21. Paragraph 14, as orally amended, was adopted.

Paragraph 15

22. Ms. BARE said that the intention behind the paragraph was to allow members of the Committee, at the end of each session, to identify areas of concern for the State party's next report, and to gather the necessary information.

23. Paragraph 15 was adopted.

Paragraph 16

24. Ms. GONZÁLEZ MARTÍNEZ said that the would appreciate clarification of the objectives of the proposed seminar on reservations and those to whom it would be addressed.

25. Ms. TALLAWY said that the intention behind the paragraph was for the Committee to avail itself of a share of the budget for technical and advisory services of the Centre for Human Rights. It would be helpful if legal experts could advise the Committee on how to overcome the problem of reservations.

26. The CHAIRPERSON said that it would be useful for the Committee to familiarize itself with the varying schools of thought which existed in Muslim countries as to the interpretation of Islamic law and its implications for the Convention.

27. Ms. GONZÁLEZ MARTÍNEZ expressed appreciation for the clarifications provided; she suggested, however, that a more appropriate topic for the proposed seminar would be the relationship between the Convention and the legislation of States parties which had entered reservations. Such seminars could perhaps be organized on a regional basis; in view of the Organization's current financial crisis, however, it was unlikely that any funds would be allocated for that purpose. Another possibility might be to request the Secretariat or the Economic and Social Council to convene such a seminar with the co-sponsorship of another body, such as the International Law Commission or the United Nations Institute for Training and Research.

28. Ms. BARE proposed that, in the light of the previous speaker's comments, the words "and to examine funding requirements" should be added to the second sentence of the paragraph.

29. Paragraph 16, as orally revised, was adopted.

Paragraph 17

30. Ms. GONZÁLEZ MARTÍNEZ said that, prior to the current session, she had received an initial version of the revised draft rules of procedure prepared by Ms. Bernard, followed by a later version containing further revisions. She had prepared comments on the texts and had forwarded them to the Secretariat in the expectation that a summary of views would be circulated to all members of the Committee; no such document, however, had been forthcoming. She therefore failed to understand how the Working Group could have completed a first reading of the revised draft rules of procedure without an exchange of views among the members of the Committee. In the absence of written comments, it was very difficult for those members of the Committee who were not fluent in English to participate in such an exchange.

31. Ms. BARE said that the Working Group had not had an opportunity to complete the first reading of the revised draft rules of procedure. In the light of the previous speaker's comments, she suggested that the members of the Committee should examine the text prepared by Ms. Bernard and submit written comments to Ms. Tallawy, who would forward them to the Secretariat, which would, in turn, transmit them to Ms. Bernard.

32. Ms. TALLAWY said that the rules of procedure were very important for the Committee's future work. The Committee needed time to study the text carefully; it might be appropriate to seek legal guidance, so as to ensure that the Committee would not be hampered by overly rigid rules. She suggested that the Secretariat should prepare a list of the elements that were missing from Ms. Bernard's draft.

33. Ms. FERRER GÓMEZ said that the consideration of the revised draft rules of procedure could not really be described as a "first reading". Moreover, in her view, the paragraph did not reflect the discussion which had taken place in the Working Group. In any discussion of the working methods of the Committee, technical support was crucial. In planning for the next session, it would be important to leave time for the Committee as a whole to debate the concluding comments on State party reports and the rules of procedure. Time pressures at the current session had prevented a full exchange of views among Committee members.

34. Ms. TIMOTHY (Division for the Advancement of Women) said that it was the responsibility of the Secretariat to collect all comments on the rules of procedure, then transmit them, through Ms. Tallawy, to Ms. Bernard.

35. Ms. CONNORS (Division for the Advancement of Women) suggested the following wording for paragraph 17: "The Working Group began consideration of the revised draft rules of procedure prepared by Ms. Bernard. The Working Group decided that these and any additional comments would be submitted to Ms. Tallawy via the Secretariat, which would then submit them to Ms. Bernard. They would be reflected in her revised draft for the seventeenth session." The final sentence of the existing paragraph would be retained.

36. Paragraph 17, as orally revised, was adopted.

Paragraph 18

37. Ms. ESTRADA CASTILLO recalled that the Working Group had decided to make a special request to the Secretariat regarding the organization of working groups and the support required by Committee members. Such support should be provided by a regular group of Secretariat members with the necessary experience and knowledge to enable them to answer questions from the members quickly or to arrange consultations with third parties as necessary.

38. Ms. BARE said that the Committee had low visibility compared with the other human rights treaty bodies, and the Secretariat was being asked to look into the availability of resources from the Centre for Human Rights to raise the profile of the Committee. Staff of the Centre and former Committee members could be called on to contribute to those efforts in an advisory capacity.

39. Ms. GONZÁLEZ MARTÍNEZ requested clarification of how CEDAW experts would be used for technical and advisory services.

40. Ms. TALLAWY said that the Working Group had discussed the idea of holding seminars in order to promote certain objectives of the Convention, to be funded by a portion of its budget for advisory services. She suggested that paragraphs 16 and 18 could be combined by removing the reference in paragraph 16 to reservations. The last sentence of paragraph 18 was unclear; it should be amended to read: "It further recommended that the expertise of both previous and present CEDAW experts should be used in such activities."

41. Paragraph 18, as orally revised, was adopted.

42. Ms. BARE said that, because of the concern about long-overdue initial reports of States parties, a paragraph should be added to address ways to encourage States parties to submit their reports in a timely manner. Working Group I had recommended that, on an exceptional basis and as a temporary measure, States parties should be invited to combine up to three reports, in order to encourage their participation.

43. Ms. ABAKA said that, while she agreed that the backlog must be dealt with, combining three reports would lead to problems with follow-up in the areas of progress and obstacles to implementation, because of the long time span that many reports would encompass. She suggested that only two reports should be combined.

44. Ms. CONNORS (Division for the Advancement of Women) suggested the following wording, should the Committee decide to include an additional paragraph: "The Committee decided, on an exceptional basis and as a temporary measure, to invite States parties to combine up to two reports in order to address the backlog of reports awaiting consideration and in order to encourage States parties to report in a timely fashion."

45. It was so decided.

46. Ms. TALLAWY said that, at the next session, she hoped that the Secretariat would provide more technical support to Working Group I, in the form of a fixed room for its meetings, a greater share of the available interpretation services, and the opportunity to revise drafts before they were sent for translation.

PROVISIONAL AGENDA FOR THE SEVENTEENTH SESSION OF THE COMMITTEE (CEDAW/C/1997/WG.I/WP.2/Add.1)

47. The provisional agenda for the seventeenth session was adopted.

Pre-session working group

48. The CHAIRPERSON drew attention to the list of Committee members participating in the pre-session working group for the seventeenth session. Ms. González Martínez had informed her that she would be unable to serve as an alternate, however. She would take it that the Committee agreed to the composition of the group.

49. It was so decided.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

Report of Working Group II (CEDAW/C/1997/WG.II/WP.2, Corr.1, Add.1 and 2)

50. Ms. ABAKA, speaking as the Chairperson of Working Group II, said that the Working Group had considered three main topics during the current session: the specialized agencies and their inputs into the implementation of the Convention, the draft optional protocol and draft general recommendation No. 23 on articles 7 and 8. It fully endorsed the views of Working Group I with regard to the specialized agencies. The Working Group had decided that Ms. Cartwright

would be the consultant from CEDAW to the Open-ended Working Group of the Commission on the Status of Women on an optional protocol to the Convention.

51. The Working Group had been dealing with the draft general recommendation on articles 7 and 8 for three years and, at the current session, had merged the old and new texts. The Commission on the Status of Women would address the issue of decision-making at its upcoming session, and if the Committee could agree on the text, it could be transmitted to the Commission for consideration.

52. With regard to a tentative future programme of work, the Working Group planned to hold an open discussion to initiate a general recommendation on article 12, women's health, at the seventeenth session of the Committee. There had been some discussion of addressing articles 2 and 4 as well.

53. Ms. CARTWRIGHT reviewed the combined text of draft general recommendation No. 23 on articles 7 and 8 and urged the Committee to adopt it at the current session.

54. Ms. TIMOTHY (Division for the Advancement of Women) read out changes proposed by Ms. González Martínez to the draft general recommendation contained in document CEDAW/C/1997/WG.II/WP.2. In paragraph 4, reference should be made to the text adopted by the Organization of American States (OAS). In paragraph 6, the word "periodic" should be deleted. In paragraph 7, the words "reviewing their laws and policies" should be replaced with the words "implementing or enforcing fully the Convention". In paragraph 12, the words "in some countries" should be inserted after the words "lives of their communities". In paragraph 15, the first sentence should be replaced by the sentence "No political regime, in spite of the rights given to women by law, has attained in practice full participation under equal conditions." Lastly, in paragraph 16, the last sentence should be deleted.

55. Ms. GONZÁLEZ MARTÍNEZ said that it would be very risky for the Committee to adopt the text immediately, without seeing it in final form, considering its great importance. She asked whether the text was to be presented at the forthcoming session of the Commission on the Status of Women.

56. Ms. CARTWRIGHT said that she hoped that the Committee could adopt the substance of the draft at the current meeting; the text would then be edited for submission to the Commission on the Status of Women and dissemination at the Committee's seventeenth session. A great deal of time had already been spent on the text, and the general recommendation would be a useful input for the Commission's forthcoming session.

57. Ms. FERRER GÓMEZ said that the Committee should confine itself to a preliminary exchange of views at the current meeting, since the draft was very important and required careful study by the Committee members. The Committee could adopt the draft at its next session.

58. Ms. BUSTELO GARCÍA DEL REAL asked Ms. González Martínez and Ms. Ferrer Gómez to clarify their views on the text and to put forward any proposed additions, deletions or changes so that the Committee could adopt the draft immediately.

59. Ms. AOUIJ said that she would not object to adopting the draft if a majority of the Committee members were in favour of doing so, but that the draft had been analysed by only those experts who had participated in Working Group II. The next time the Committee intended to adopt a general recommendation of such importance, it should ensure that all members had an opportunity to participate in the debates on the matter.

60. Ms. GONZALEZ MARTÍNEZ said that the draft general recommendation under consideration was essential to the work of the Committee, to its image and to the implementation of the Convention. She agreed with Ms. Cartwright that the Committee should adopt only the substance of the recommendation at the current meeting, and should adopt the final text at its July session. It could then provide the Commission on the Status of Women with a summary of the contents of the general recommendation. It was impossible to adopt the text at the current meeting, since not all of the Committee members were present and the text contained a number of repetitions and ambiguities. She cited several examples, noting inter alia that the word "gender" in the penultimate sentence of paragraph 18 was inappropriate and should be replaced by the word "sex", and that she disagreed with the reasoning of the penultimate sentence of paragraph 13, which blamed women's under-representation in certain areas of political life on their low involvement in professions from which politicians were recruited. Politicians came from all walks of life; they were not "recruited" from specific sectors.

61. The CHAIRPERSON said that Ms. Cartwright would participate in the debates of the Commission on the Status of Women regarding the proposed optional protocol to the Convention. The Committee should therefore adopt the draft general recommendation in principle and entrust Ms. Cartwright with the task of editing it without changing its substance. The final text would be available for adoption, in all official languages, at the Committee's next session.

62. Ms. JAVATE DE DIOS said that the Committee should recognize the amount of work which had gone into the text and should adopt it in principle at the current meeting. She asked whether Ms. Cartwright would make any statement on behalf of the Committee at the session of the Commission on the Status of Women.

63. Ms. TALLAWY said that Working Group II had done excellent work and that the Committee must seize the opportunity to submit the general recommendation to the Commission on the Status of Women. Moreover, Ms. González Martínez had been a member of Working Group II. The Committee should adopt the text in principle; any proposed changes, especially from members of Working Group I, could be incorporated into it before it was submitted to the Commission. If the Committee found, at its July session, that parts of the text were still controversial, it could make the appropriate amendments. However, it should not spend its next session discussing the same issues; that would only be a waste of time and effort. The lesson to be drawn from the current experience was that the work of the two working groups should be discussed by all Committee members in the Working Group of the Whole.

64. Ms. AOUIJ said that if the Committee adopted the draft general recommendation at the current meeting, there would be no need to go back to it at the next session. If the draft general recommendation was approved in

principle, it was not clear in what form it would be presented to the Commission on the Status of Women.

65. The CHAIRPERSON said that there was a procedure in other treaty bodies of approving general recommendations and then reviewing or revising them at a later stage; the Committee must take into account the time constraints, and the urgency of the subject-matter.

66. Ms. ABAKA said that there was a precedent in the Committee itself; the Committee had approved general recommendation 16 in substance and then reviewed it at its next session.

67. The CHAIRPERSON said that she took it that the Committee wished to approve draft general recommendation No. 23 in substance, and to adopt the report of Working Group II as contained in documents CEDAW/C/1997/WG.II/WP.2 and Corr.1 and Add.1-3.

68. It was so decided.

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS SIXTEENTH SESSION (CEDAW/C/1997/L.1 and Add.1-12)

69. Ms. ABAKA said that the report of the pre-session working group (CEDAW/C/1997/L.1/Add.12) must indicate who the rapporteurs would be for each State party report.

70. Ms. TIMOTHY (Representative of the Secretary-General) said that the following information should be added to the report: the persons designated for attendance at the pre-session working group at the seventeenth session of the Committee were Ms. Aouij, Ms. Acar, Ms. Estrada and Ms. Javate de Dios. The alternates were Ms. Bustelo García del Real, Ms. Khan and Ms. Ouedraogo. The country rapporteurs, on the basis of the list of country reports approved for consideration at the seventeenth session, would be Ms. Bustelo García del Real for Argentina, Ms. Estrada for the Dominican Republic, Ms. Acar for Italy and Ms. Javate de Dios for Bangladesh. The following persons would be the country rapporteurs for the initial reports to be taken up at the seventeenth session: Ms. Bernard for Antigua and Barbuda, Ms. Corti for Armenia, Ms. Ryel for Israel and Ms Abaka for Namibia or Zimbabwe.

71. Responding to a question from Ms. AOUIJ, she said that Ms. Aouij would be the country rapporteur for the report of Argentina, and Ms. Bustelo García del Real would be an alternate.

72. Ms. BUSTELO GARCÍA DEL REAL said that she could accept that change. However, since the Committee had decided that two additional reports should be taken up at the next session, it needed to know which reports those would be, and who the rapporteurs would be.

73. The CHAIRPERSON said that the Committee had agreed that the selection of the two additional reports would be made in consultation between the Secretariat and herself; if there was a problem, she or the Secretariat should be informed, and a change could be made.

74. Ms. ACAR recalled that the Committee had decided that there should be back-up rapporteurs for each report. She asked what procedure would be followed.

75. The CHAIRPERSON said that, as in the past, the Secretariat and the Chairperson would designate the back-up rapporteurs after making arrangements with States parties for the presentation of reports; members of the Committee could indicate their preferences on the basis of the existing list of reports.

76. Ms. SATO said that her name should be included in the list of members of Working Group I shown in paragraph 21.

77. The report of the Committee on its sixteenth session, as orally amended, was adopted.

CLOSURE OF THE SESSION

78. Ms. KING (Director, Division for the Advancement of Women) said that the Committee had achieved a great deal at the current session; it had improved its methods of work; it had considered all the reports allocated for consideration at the session; and it had carried out detailed work on the investigation of certain trends, including violence against women, especially domestic violence. It had also considered the type and nature of the discrepancies between the de facto and de jure situation of women.

79. The CHAIRPERSON said that the sixteenth session was very special because it was the first session held since the Committee had made the transition to holding two sessions a year, in an effort to clear the backlog and move forward with the additional work deriving from the Fourth World Conference on Women.

80. She declared the session closed.

The meeting rose at 5.45 p.m.